

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

DEREK Q. JAMES, Register No. 182777,)	
)	
Plaintiff,)	
)	
v.)	No. 05-4328-CV-C-NKL
)	
DAVE DORMIRE, et al.,)	
)	
Defendants.)	

ORDER

On March 9, 2006, the United States Magistrate Judge recommended that plaintiff's motions for preliminary injunctive relief be denied, and that claims against defendants Dave Dormire, G. Jorgenson, and Dr. Lamour be dismissed, pursuant to 28 U.S.C. § 1915A, for failure to state a claim on which relief may be granted. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record¹, including the exceptions filed by plaintiff on March 17, 2006. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted as to plaintiff's requests for preliminary injunctive relief and claims against defendant Dave Dormire. Upon consideration of the exceptions filed, however, plaintiff is granted leave to proceed on his claims against defendants Jorgenson and Lamour regarding denial of medical care for his alleged serious medical condition which is causing his fingers to turn green.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's March 9, 2006 Report and Recommendation is adopted, in part [28]. It is further

ORDERED that plaintiff's claims against defendant Dave Dormire are dismissed, pursuant to the provisions of 28 U.S.C. § 1915A, for failure to state a claim for which relief can

¹Court proceedings, if any, are recorded by electronic recording equipment and the tapes are available for review by the court and counsel.

be granted, and defendant Dormire's motion to dismiss is denied, without prejudice, as moot [49]. It is further

ORDERED that plaintiff's motions for preliminary injunctive relief and temporary restraining orders are denied, without prejudice [17, 20]. It is further

ORDERED that plaintiff is granted leave to proceed on his claims against defendants Dr. Lamour and G. Jorgenson regarding denial of medical care for his fingers. It is further

ORDERED that within thirty days, the Attorney General of Missouri and Correctional Medical Services notify the court, in writing, whether they will or will not waive service of process. It is further

ORDERED that defendants Dr. Lamour and G. Jorgenson answer or otherwise respond, pursuant to Fed. R. Civ. P. 4 and 12, within sixty days, if service of process is waived, or within twenty days after service of process, if service of process is not waived. It is further

ORDERED that defendants are granted leave to depose plaintiff at his place of incarceration.

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: May 1, 2006
Jefferson City, Missouri